



*IN THE HIGH COURT OF SOUTH AFRICA*  
**GAUTENG DIVISION, JOHANNESBURG**

**CASE NO: 2018/23392**

- 1. Reportable: No
- 2. Of interest to other judges: No
- 3. Revised

12 MAY 2025

WRIGHT J

SIGNATURE

**VUKILE PROPERTY FUND LIMITED**

**Applicant**

**and**

**JOLI MUSIC (PTY) LTD t/a MUSIC WORLD**

**Respondent**

*In re:*

**JOLI MUSIC (PTY) LTD t/a MUSIC WORLD**

**Plaintiff**

**and**

**VUKILE PROPERTY FUND LIMITED**

**First Defendant**

**SIVALUTCHME MOODLIAR N.O**

**Second Defendant**

**KGASHANE CHRISTOPHER MONYELA N.O**

**Third Defendant**

**POGISO TUMISANG TIMOTHY MFOLO N.O**

**Fourth Defendant**

(In their capacities as joint liquidators in the estate of NMC

Proprietary Limited in liquidation)

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**JUDGMENT**

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**WRIGHT J**

1. In 2018 the respondent, Joli Music instituted action as plaintiff against the present applicant, Vukile as first defendant.
2. On 2 September 2021 Joli's attorneys delivered a notice of withdrawal of the action but did not tender costs.
3. Vukile now applies for the costs of the withdrawn action. It also now seeks the costs of the present application, on the attorney and client scale.
4. The attorneys for Joli filed an answering affidavit saying that they had attempted to advance the litigation but because of missing file delays, covid delays and the

fact that Vukile's attorneys had taken exception to the particulars of claim twice and generally delayed the matter, it was decided that the action be withdrawn for commercial reasons. It is suggested that costs be borne equally or that each side pays its own costs.

5. No wrongful conduct by Vukile or its attorneys is shown.
6. In my view, no valid defence in law is raised to the costs sought.

## **ORDER**

### **1. X as amended -**



**GC Wright**

**Judge of the High Court**

**Gauteng Division, Johannesburg**

**HEARD : 12 May 2025**

**DELIVERED : 12 May 2025**

**APPEARANCES :**

**Applicant Adv R Kriek**

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**Respondent** **No appearance**

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